



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,859	06/26/2003	Oren Kaidar	P-5753-US	1426

27130 7590 05/04/2007
EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

EXAMINER

SOL, ANTHONY M

ART UNIT	PAPER NUMBER
----------	--------------

2616

MAIL DATE	DELIVERY MODE
-----------	---------------

05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/603,859		KAIDAR ET AL.	
	Examiner		Art Unit	
	Anthony Sol		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objection

1. Claims 23-25 are objected to because of the following informalities:

For claim 23, line 1, it is suggested that phrase "An article comprising a storage medium" be replaced with "A computer-readable medium" in accordance with acceptable language in computer-processing related claims.

For claims 24-25, line 1, it is suggest that the word "The article" be replaced with "The computer-readable medium" in accordance with acceptable language in computer-processing related claims.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No. US 2004/0066757 A1 ("Molteni").

Regarding claims 1, 8, 17, 20, 23, and 26,

Art Unit: 2616

Molteni discloses receiving packets on a wireless network (para. 110, *WLAN of the AP the frame was received from*). Molteni further discloses a mobile router comprising a dipole antenna (for claim 17 only, para. 189).

Molteni still further discloses determining from the received packets information regarding a channel (para. 125, *the WLAN database is updated from time to time by placing the station into RF monitor mode (passive scanning of channels) and updating the information in the WLAN database with new MAC frames*; para. 119, *If it is ascertained that the MAC frame... does not include a mobility agent advertisement*)

Molteni still further discloses if said information indicates the channel is not desirable, before an informational packet is received, switching to a different channel for scanning (fig. 2A, para. 119, *If it is ascertained that the MAC frame is not a beacon and does not include a mobility agent advertisement the process returns to wait state 203 to wait for another event such as new MAC frame arriving at the station*). Note that fig. 2A, block 201 (Place station into RF Monitor Mode) signifies that the station is continuously scanning different channels between the mobile station and the Aps.

4. Regarding claims 2, 6, 11, 15, 18, 22, 24, and 27,

Molteni discloses an ordering including received signal quality (para.122).

5. Regarding claims 3, 12, and 25,

Molteni shows in fig. 2A, block 209 (timer).

6. Regarding claims 4, 5, 13, and 14,

Molteni discloses indication determining from foreign agent advertisement in the IP packet that the foreign agent is "busy" or not, i.e., that the foreign agent is accepting registration (para. 123).

7. Regarding claims 7, 16, and 28,

Molteni discloses selection criteria that includes mobility agent information (paras. 120 and 129).

8. Regarding claims 9, 19, and 21,

Molteni shows in fig. 2A, block 213, determining if a frame is a beacon.

9. Regarding claim 10,

Molteni shows in fig. 1, APs providing a connection to a network 100.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Trachewsky (US2004/0017794) teaches communication gateway supporting WLAN communications.

Jeong (US2006/0092888A1) teaches proxy active scan for wireless networks.

Art Unit: 2616

Sinivaara (US7020438B2) teaches selection of access point in a wireless communication system

Molteni (US2004/0066759A1) teaches method for a wireless station to determine network metrics prior to associating with an access point of a wireless network.

Wu (US6332077B1) teaches intelligent roaming in AGV application.

Gorsuch (US6526034B1) teaches dual mode subscriber unit for short range, high rate and long range, lower rate data communications.


Jeong (US2006/0023686) teaches channel scanning in wireless networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

AMS

4/26/2007